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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SHAWN R. DUNPHY and CYNTHIA
HUGHES-DUNPHY,

Plaintiffs,

vs.

EXPERIAN, et al.,

Defendants.

3:18-cv-12566-MAS-DEA

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S
ANSWER AND DEFENSES TO PLAINTIFFS' COMPLAINT**

Defendant, Equifax Information Services LLC ("Equifax"), by Counsel, files its Answer and Defenses to Plaintiffs' Complaint ("Complaint") as follows:

PRELIMINARY STATEMENT

In answering the Complaint, Equifax states that it is responding to allegations on behalf of itself only, even where the allegations pertain to alleged conduct by all Defendants. Equifax denies any and all allegations in the headings and/or unnumbered paragraphs in the Complaint.

ANSWER

In response to the specific allegations in the enumerated paragraphs in the Complaint, Equifax responds as follows:

1. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.

2. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3.

4. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4.

5. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

6. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6.

7. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7.

8. Equifax admits it received disputes from Plaintiffs. Equifax states that the disputes speak for themselves, and to the extent Plaintiffs misquote, misstate,

mischaracterize, or take out of context the dispute with Equifax, the allegations are denied.

9. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9.

10. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10.

11. Equifax admits it received disputes from Plaintiffs. Equifax states that the disputes speak for themselves, and to the extent Plaintiffs misquote, misstate, mischaracterize, or take out of context the dispute with Equifax, the allegations are denied. Equifax denies the remaining allegations in Paragraph 11.

12. Equifax denies Plaintiffs are entitled to any relief claimed in the Complaint.

13. Any allegation in Plaintiffs' Complaint not heretofore specifically responded to by Equifax is hereby denied.

DEFENSES

Without assuming the burden of proof where it otherwise rests with Plaintiffs, Equifax pleads the following defenses to the Complaint:

FIRST DEFENSE

At all pertinent times, Equifax maintained reasonable procedures to assure maximum possible accuracy in its credit reports.

SECOND DEFENSE

Equifax has complied with the Fair Credit Reporting Act in its handling of Plaintiffs' credit files and is entitled to each and every defense stated in the Act and any and all limitations of liability.

THIRD DEFENSE

Plaintiffs cannot meet the requirements of 15 U.S.C. § 1681n in order to recover punitive or statutory damages.

FOURTH DEFENSE

Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: *BMW v. Gore*, 517 U.S. 559 (1996); *Cooper Indus., Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 923 (2001); *State Farm v. Campbell*, 538 U.S. 408 (2003), and *Safeco Insurance Co. of America v. Burr*, 551 U.S. 47 (2007).

WHEREFORE, having fully answered or otherwise responded to the allegations in Plaintiffs' Complaint, Equifax prays that:

- (1) Plaintiffs' Complaint be dismissed in its entirety and with prejudice, with all costs taxed against Plaintiff;
- (2) it be dismissed as a party to this action;

(3) it recover such other and additional relief as the Court deems just and appropriate.

Respectfully submitted this 29th day of August, 2018.

CLARK HILL PLC

By: /s/Jonathan D. Klein
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CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to the following counsel of record:

DOROTHY A. KOWAL
PRICE, MEESE, SHULMAN & D'ARMINIO, PC
MACK-CALI CORPORATE CENTER
50 TICE BOULEVARD
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4545 NORTHWESTERN DRIVE
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And Via U.S. Mail to:

SHAWN R. DUNPHY
CYNTHIA HUGHES-DUNPHY
705 PARAMOUNT WAY
BRICK, NJ 08724

Dated: August 29, 2018.

/s/Jonathan D. Klein
Jonathan D. Klein